IN THE HIGH COURT OF UTTARANCHAL
AT NAINITAL
Criminal Misc. Application No. 610 of 2005

Kunwar Singh Dan
S/o Sri Mohan Singh Danu
Village and PO Baghar
Tehsil Kapkot,District Bageshwar

Applicant

Versus

1. State of Uttaranchal through
   District Magistrate Almora.
2 Chief Judicial Magistrate ,Almora
3 SHO Kotwali Almora ,District Almora
4 Pradeep Banna, Manager, Canara Bank Almora
5 District Mgistrate Bageshwar.

Respondents.

Hon'ble B.C. Kandpal, J

This application under Section 482 Cr.P.C has been filed for quashing the criminal proceedings in criminal case No. 22 of 2005 State vs. Kedar and other under Section 406,420,467,468 and 471 IPC pending before the Chief Judicial Magistrate ,Almora.

Brief facts of the case giving rise to the application are that a First Information Report was lodged against the applicant and other co-accused under Section 406,420,467 . 468 and 471 IPC on 30.4.1998.

The police after investigation submitted the charge sheet against the petitioner to the court concerned on 24.1.2001 and the court concerned has framed the charges under Section 406,420,,467,468 and 471 IPC .The case thereafter proceeded for the prosecution evidence.

The petitioner has therefore filed this petition for quashing the entire criminal proceedings on the ground that no prima facie case is made against the petitioner as the litigation is purely civil in nature.

I have heard Sh.S.S. Chaudhary the learned counsel for the petitioner and perused the record.

The contention raised by the learned counsel for the petitioner relates to the factual aspect of the matter and the same can be assessed and examined by the trial court during the course of evidence.

On perusal of the record, it appears to me that a prima facie case is made out at this stage and there is no special feature in the case to say that it is not expedient and not in the interest of justice to permit the prosecution to continue. The scope of interference under Section 482 Cr.P.C. for quashing the criminal case is quite restricted and in the instant case I do not find any flagrant injustice or abuse of process of the court at this stage.

On consideration of allegations made in the FIR, it appears to me that the ingredients of the offence are disclosed and there is no material on record to show that the complaint is malafide, frivolous or vexatious. I am therefore, of the view that the proceedings cannot be quashed.

The petition lacks merit and is accordingly dismissed.

However, in case, if the petitioner applied for bail in the court concerned, the same shall be decided expeditiously by the Magistrate concerned.

(B.C. Kandpal, J.)

15.09.2005
NBJ